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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,619	02/21/2002	Norikiyo Shibata	P/3541-19	4456
2352	7590	10/15/2004		EXAMINER
		OSTROLENK FABER GERB & SOFFEN		PRASAD, CHANDRIKA
		1180 AVENUE OF THE AMERICAS		
		NEW YORK, NY 100368403		
			ART UNIT	PAPER NUMBER
				2839

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/082,619	SHIBATA ET AL.
	Examiner	Art Unit
	Chandrika Prasad	2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 17 September 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-4 and 8-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-40 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Amendments***

1. The reply filed 9/17/04 consists of amendments to claims 1-4, 8-12, 14-15, 22-23, 25-40, cancellation of claims 5-7, changes in the specification and remarks related to rejection of claims. The claims are not allowable as explained below.

### ***Claim Objections***

2. Claims 2-40 are objected to because of the following informalities:

- Claim 2, line 1: A connector for a medical instrument system" should be changed to -- The connector for medical instruments --.
- Claim 3, line 1: A connector for a medical instrument " should be changed to -- The connector for medical instruments --.
- Similar errors apply to most of the dependent claims

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 4, 14, 27-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 2 recites the limitation "the electrode elements of the first electrode" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

6. Claims 4 and 14 recite the limitation "the height" in line 2. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 4 recites the limitation "the bottom" in line 3. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 27 recites the limitation "the central area" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Note: all claims should be carefully reviewed for lack of antecedent basis.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-4, 12-17, 23, 24 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Itabashi et al. (6010369).

Itabashi (Figures 1-14) discloses a connector (plug) 1 removably attached to a socket 5 (attachable to medical instruments) with an electrode with a plurality of electrode elements (contacts) 70 and comprising a central projection 40 in a moving direction, a second electrode with a plurality of electrode elements 48 with exposed portions formed as elongated contact portions extending along the moving direction and located peripherally around the projection 40 and a connector shell 50 extending in the moving direction and spaced away from the projection to form a groove 58 there between. The electrode elements of the second electrode are provided on a peripheral

surface of the projection. A height of the connector shell from a bottom surface of the groove is higher than that of the projection from the bottom surface of the groove. The connector shell has a first annular wall outside the central projection and the socket comprises an annular wall 51, which engages the projection. The socket has a third annular wall 52 connectable with the first annular wall and higher than the second annular wall. The plug has a guide to restrict movement of the socket beyond certain point in the moving direction. A cable connected to the socket to supply power is inherent. The width of the groove defined between the projection and the connector shell is greater than the width of the contacts. The plug has a longitudinal fitting groove

42. The first electrode is comprised of elongated elastic plate-like elements.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itabashi (6010369).

Itabashi shows all the features of these claims except the second electrode to be plate-like. This is well known in the art of electrical connectors. Itabashi shows first electrode to be plate-like. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide such a feature to Itabashi's plug because this would require a mere duplication which involve only routine skill in the art.

13. Claims 8-11, 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itabashi (6010369) in view of Nierlich et al. (5660567).

Itabashi shows all the features of these claims except the use of a resistor for detection/indication purposes. Such a feature is well known in the art of electrical connectors. Nierlich shows such a feature. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide such a feature to Itabashi's plug because this would provide a means to identify the type of the connector, hence the type of medical instrument being used.

14. Claim 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itabashi (6010369).

Itabashi shows all the features of these claims except the latching mechanism. Such a feature is well known in the art of electrical connectors. Itabashi (prior art Figure 1) shows such a feature. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide such a feature because this would provide a means to detachably latch the plug and the socket together.

15. Claims 27-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itabashi (6010369) in view of Hood et al (5324297).

Itabashi shows all the features of these claims except an ultrasonic handpiece with a transducer and waterproof packing. These features are well known in the art of medical devices and electrical connectors. Hood discloses an ultrasonic transducer 26 in a handpiece of a medical instrument. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide a transducer in the

Itabashi's plug because this would provide a means to convert a drive current to ultrasonic vibrations as taught by Hood.

As to the waterproof packing is concerned, such a feature is common knowledge and well known in the art of electrical connectors. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide waterproof packing in the Itabashi's plug and socket because this would provide a means to prevent entry of water into the instrument, which are known in the art.

***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Response to Arguments***

17. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Contact Information***

18. Any correspondence to this action may be mailed to:

**Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrika Prasad whose telephone number is (571) 272-2099.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached at (571) 272-2800 ext 39. The fax number is (703) 872-9306.



Chandrika Prasad  
Primary examiner  
October 14, 2004